



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,016	07/08/2003	Marie-Laure Delacour	05725.1224-00	9511
22852	7590	06/06/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER CHANNAVAJJALA, LAKSHMI SARADA	
			ART UNIT	PAPER NUMBER
			1611	
			MAIL DATE	DELIVERY MODE
			06/06/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,016

Applicant(s)

DELACOUR ET AL.

Examiner

Lakshmi S. Channavajjala

Art Unit

1611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Receipt of amendment and remarks dated 3-17-08 is acknowledged.

Claims 1-63 are pending in the instant application.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3-17-08 has been entered.

The following rejections applied previously have been maintained:

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-63 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-63 of U.S. Patent No. 6,689,345.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

Instant claims recite a cosmetic composition comprising a binder comprising water and particles of cross-linked elastomeric organosiloxane, and a particulate phase. The patented claims recite a make-up composition wherein the composition comprises particles of elastomeric organosiloxane suspended in water phase and the patented composition is also used for the same cosmetic purposes claimed in the instant application. Dependent claims of the cited patent recite the particle sizes of the organosiloxane, aqueous phase gelling agents, fatty substances, waxes, and volatile oils etc., all of which are recited in the instant claims. Further, the dependent claims of the patent (48-54) recite fillers, nacles and pigments respectively, which are defined by the patent as particulate materials and include the claimed fillers and pigments respectively and include the same materials that are claimed in the instant applications. Furthermore, the patented claims same cosmetic forms or products such as solid foundation powders that read on the claimed pulvurulent mixtures, foundation etc., that are within the scope of the instant claims. While the patented claims do not recite the exact ratios of the instant claims, they recite the amounts of the organopolysiloxane and the particulate phase (see claims 11-12 and 33-34), particle sizes and hardness range that is within the claimed ranges and also suggest different consistencies or forms of the cosmetic composition such as powders, sticks. Accordingly, preparing a cosmetic/make

Art Unit: 1611

up composition of desired consistency or form such as powder or foundation or stick form by choosing the appropriate amounts of the individual components i.e., polyorganosiloxane, particulate phase and other components claimed in '345 it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to optimize the amounts or ratios of the polyorganosiloxane and the particulate phase because the patented composition is used to prepare the same cosmetic products that are also claimed in the instant application.

Claims 1- 63 directed to an invention not patentably distinct from claims 1-63 of commonly assigned US 6,689,345. Specifically, the patent method recites a composition that renders the instant composition obvious for the reasons mentioned above.

The U.S. Patent and Trademark Office normally will not institute interference between applications or a patent and an application of common ownership (see MPEP Chapter 2300). Commonly assigned 6,689,345, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g), or 35 U.S.C. 102(e) for applications pending on or after December 10, 2004.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patents 6,403,704 ('704) or US 6,689,345 ('345) or US 6,565,862('862) or US 7,094,842 ('842).

'704 teach cosmetic skin care compositions comprising particles of at least a partially crosslinked elastomeric polyorganosiloxanes suspended in an aqueous phase, wherein the polymer dryness as well as a matte finish to the cosmetic composition when applied (col. 2, L 23- 59). Both instant specification and '704 refer to the same polysiloxane compounds described in JP-A-10/175816 application for the suitable polyorganosiloxanes compounds that are suitable for the instant invention, particularly, those sold under the trade names BY-29-122, BY-29-119 (also disclose in the instant specification) (col. 3, L 37-59 & col. 4, L 10-40) having the same hardness and particle sizes recited in the instant claims. For microcrystalline wax of claims 32 -35, see col. 5, L 50-55. For volatile oils of claims 36-38, see col. 4, last paragraph through col. 5. For gelling agents of claims 39-43, see col. Col. 6, l 4-40. For the pigments, fillers and

Art Unit: 1611

nacres (read on instant pearlescent agents) see entire col. 7. '704 teach preparing the composition by a screw extruder mixer and thus meet claimed method of preparing the composition (claims 51-60), where the polyorganosiloxanes is added to water and mixing with the pigment or filler materials that are particulate in nature. '704 further teach the same solid compositions claimed (col. 49-59). '704 do not teach the claimed ratios of the particulate phase and binder. However, '704 teach the percentages of the organosiloxane polymer, pigments, fillers or nacres and further teach the composition for the same purpose i.e., cosmetic or make up products such as a foundation, eye shadow etc., as in claims 58. Further, '704 teach that the composition provides advantages such as homogeneity, stability, matte finish, and freshness and water resistance. Therefore it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to optimize the amounts of the silicone polymer and other components such as particulate materials, fatty phase, gelling agents etc., with an expectation to achieve a stable cosmetic product that provides a matte finish and freshness.

'862 also teach cosmetic composition comprising the claimed binder and particulate material and for the preparation of the same cosmetic compositions such as those claimed. The disclosure of '862 and '704 are similar in that the former also teach the same polymers as suitable for binder phase, and also teach the fillers, pigments, nacres, fatty phase, waxes and gelling agents etc. '862 also describe the same advantages such as those described by '704 with the composition. '862 fail to teach the claimed ratios or percentages of the components A, B and C. However, '862 teach the

Art Unit: 1611

percentages of the organosiloxane polymer, pigments, fillers or nacles and further teach the composition for the same purpose i.e., cosmetic or make up products such as a foundation, eye shadow etc., as in claims 58. Further, '862 teach that the composition provides advantages such as homogeneity, stability, matte finish, and freshness and water resistance. Therefore it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to optimize the amounts of the silicone polymer and other components such as particulate materials, fatty phase, gelling agents etc., with an expectation to achieve a stable cosmetic product that provides a matte finish and freshness.

'345 cosmetic compositions comprising the claimed organosiloxane elastomeric polymers (col. 4, L 55 through col. 6, L 67) and are similar to those of '704 and '862. '345 also teach the claimed fatty phase, particle sizes (col. 7), containing microcrystalline wax (col. 8, L 56-65), gelling agents (col. 8, L 38 through col. 9, L 20), particulate pigments, fillers, nacles (col. 9) and the same method of producing the composition (twin screw extruders- col. 10). '345 fail to teach the claimed ratios or percentages of the components A, B and C. However, '345 teach the percentages of the organosiloxane polymer, pigments, fillers or nacles and further teach the composition for the same purpose i.e., cosmetic or make up products such as a foundation, eye shadow etc., as in claims 58 and teaches etc., in the form of paste or powders (see col. 1, lines 19-27 and col. 4, line 51). Further, '345 teach that the composition provides advantages such as homogeneity, stability, matte finish, and freshness and water resistance. Therefore, it would have been obvious for one of an

ordinary skill in the art at the time of the instant invention to optimize the amounts of the silicone polymer and other components such as particulate materials, fatty phase, gelling agents etc., with an expectation to achieve a stable cosmetic product that provides a matte finish and freshness.

Response to Arguments

5. Applicant's arguments filed 3-17-08 have been fully considered but they are not persuasive.

Applicants argue that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness and that these criteria have not been met in rejecting the claims 1-63 under 35 U.S.C. 103(a) as being unpatentable over US patents 6,403,704 ('704) or US 6,689,345 ('345) or US 6,565,862('862) or US 7,094,842 ('842). It is argued that the instant invention relates to compositions having a "pulverulent to pasty texture," which is imparted by the claimed ratio of organopolysiloxane to particulate phase, that none of the '704, '862, and '345 patents teach or suggest the desirability of a composition having such a pasty to pulvurulent texture, much less the ratio of organopolysiloxane to particulate phase required to achieve such a texture. It is argued that without any specific guidance from these references, it cannot be said that one skilled in the art would have been motivated to "optimize" the compositions of the '704, '862, and '345 patents by picking and choosing the particular claimed ratio of organopolysiloxane to particulate phase to achieve the present invention, as alleged by the Examiner. Applicants reiterate that the

Art Unit: 1611

Examiner has not given any explicit reason why one of ordinary skill in the art would have been motivated, either by the cited art or by knowledge generally available to the skilled artisan, to modify the composition of any of the '704, '862, and '345 patents by incorporating therein the organopolysiloxane and particulate phase in amounts sufficient to arrive at the claimed ratio (Le., from 0.4:1 to 1.8:1 as recited in e.g., claim I).

Applicants urge that their position is further supported by Table 1 below, which lays out the disclosed concentrations of organopolysiloxane and particulate phase and the resulting range of ratios suggested to the skilled artisan by such disclosures. It is stated that as indicated in Table 1, the '704, '862, and '345 patents teach such widely varied concentrations for the organopolysiloxane and particulate phase, it cannot reasonably be said that such broad disclosures would lead one of ordinary skill in the art to optimize the concentrations to arrive at the presently claimed ratio (Le., from 0.4:1 to 1.8:1 as recited in e.g., presently amended claim 1). Applicants state that absent specific guidance from the references, which are all silent with respect to a composition having a pulverulent to pasty texture as claimed, these all-encompassing ranges cannot reasonably be said to provide any motivation to the skilled artisan to seek out the particular claimed ratio of organopolysiloxane to particulate phase. It is argued that none of the relevant examples of the '704, '862, and '345 patents teach the presently claimed organopolysiloxane/particulate phase ratio (i.e., ranging from 0.4:1 to 1.8:1 as recited in, e.g., presently amended claim t). Thus, the only specific guidance provided by the '704, '862, and '345 patents, other than the general disclosures of these

references, does not lead the skilled artisan to the claimed ratio, but rather, leads the artisan from the claimed ratio.

Applicants' arguments are not persuasive because even though patented claims of '704, '862, and '345 do not teach the claimed ratios, they teach the amounts of organopolysiloxane and the particulate phases in terms of percentages. Further, the motivation to optimize the amounts or the ratios of the above comes from the fact the patented claims recite make up or cosmetic compositions in the form of foundation powders (reads on instant pulvulent mixture) i.e., cosmetic or make up products such as a foundation, eye shadows etc., in the form of paste or powders (see col. 1, lines 19-27 and col. 4, line 51) in '345 patent, powder in '704 (col. 6, l 51) and as a paste for in '862 patent (col. 3, l 42-45). The argument that the examples do not teach the claimed ratios and instead provide a general guidance is not persuasive because the references teach all of the components claimed and also desire the claimed texture of the make up composition and therefore optimizing the individual components so as to arrive at the claimed texture i.e., a paste or a powder would have been within the scope of a skilled artisan, with a reasonable expectation of success. While applicants state that the ratios of the references are outside the claimed range, they do not provide any comparative results showing that the prior art patents do not result in a paste or a powdery texture and that there is no reasonable expectation of success with the disclosed concentrations of organopolysiloxane and the particulate phase in the prior art. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to Applicants request for clarification regarding the rejection of claims over US 6184277, examiner hereby clarifies that the rejection is no longer applicable.

Double Patenting Rejections:

Claims 1-63 remain rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-63 of the '345 patent.

It is argued that the examiner concedes that the '345 patent does not teach the ratios of the instant claims, but asserts that it would have been obvious to one skilled in the art to optimize the compositions of the '345 patent to achieve the present invention. See *id.* Applicants respectfully traverse the rejection for at least the following reasons. According to MPEP § 804 II.B.1., an obviousness-type double patenting rejection employs similar guidelines to those used for a statutory obviousness rejection under 35 U.S.C. § 103, except that only the claims themselves are analyzed and the disclosure of the cited patent or application may not be used as the basis of the rejection. Because the '345 patent was filed before the instant application was filed, the "one-way" test of obviousness is used to determine "whether the invention defined in a claim in the

Art Unit: 1611

application is an obvious variation of the invention defined in a claim" in the '862 patent. See MPEP § 804 II.B.I.(a) (citing *In re Berg*, 46 U.S.P.Q.2d 1226 (Fed. Cir. 1998)). The proper application of this test, in light of the established general principles for obviousness, reveals that claims 1-63 of this application are not obvious over claims 1-63 of the '345 patent. Specifically, under the one-way test for obviousness of *Berg*, to make a proper obviousness-type double patenting rejection, the Office must show that the presently claimed invention is an obvious variation of the invention claimed in the '345 patent. To establish a *prima facie* case of obviousness, the Office must show that the claims of the '345 patent teach or suggest all of the limitations of the rejected claims and that there is some reason why one of ordinary skill in the art would have been led to modify the prior art to arrive at the presently claimed invention. See MPEP §§ 2143 and 804 II.B.1. Applicants assert that the Office has failed to satisfy these requirements here. The Examiner admits that the claims of the '345 patent do not teach or suggest all of the limitations of the rejected claims, specifically, the ratios recited in the rejected claims. Applicants assert that the '345 patent would not lead one skilled in the art to modify its compositions to arrive at the presently claimed invention. Specifically, as discussed above with respect to the rejections under § 103, the present invention relates to compositions having a pasty to pulverulent texture, which is imparted by the claimed ratio of organopolysiloxane to particulate phase, whereas the '345 patent provides no guidance with respect to the desirability of a composition of this texture nor the organopolysiloxane to particulate phase ratio required to achieve such a texture. The Examiner has failed to provide any reason why the skilled artisan, without any

guidance from the '345 patent, would modify the composition of the '345 patent to arrive at the presently claimed composition. Thus, it cannot be said that one skilled in the art would have been motivated to "optimize" the compositions of the '345 patent to achieve the present invention, as alleged by the Examiner. Accordingly, this rejection is improper and applicants respectfully request that this rejection be withdrawn.

Applicants' arguments are not persuasive because as clearly explained in the rejection under this section (above), the claims of '345 recite the claimed polysiloxanes, particulate materials, hardness and the particle size of the organopolysiloxane and further teach the claimed composition textures such as powder compositions (claim 38), which read on the claimed pulverulent powders. In contrast to applicants' arguments, the obviousness rejection is based only on the claims of '345 and not the disclosure. A skilled artisan would be motivated to optimize the ratios of particulate phase to organopolysiloxane phase with a reasonable expectation of success in arriving at the various consistencies of the cosmetic composition i.e., a foundation, shadow, powder, stick etc. Therefore, the rejections have been maintained.

The following is a new rejection, in addition to the above rejections:

5. Claims 1-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over US EP 1064930 (EP) or JP 2000103717 (JP 717, abstract only) in view of EP.

The examiner relies on US Patent 6,689,345 for the English translation of EP reference because the US patent 345 relies on the EP application for foreign priority.

Art Unit: 1611

The teachings of US 345 have been discussed in the preceeding rejection (#4). Accordingly, for the reasons mentioned above, it would have been obvious for a skilled artisan at the time of the instant invention to optimize the amounts of the silicone polymer and other components such as particulate materials, fatty phase, gelling agents etc., with an expectation to achieve a stable cosmetic product that provides a matte finish and freshness because '345 teach the percentages of the organosiloxane polymer, pigments, fillers or nacles and further teach the composition for the same purpose i.e., cosmetic or make up products such as a foundation, eye shadows etc., in the form of paste or powders (see col. 1, lines 19-27 and col. 4, line 51).

Alternatively, JP (abstract) teaches a solid cosmetic composition having excellent stability to impact even when mixing a large amount of spherical powder of an organopolysiloxane elastomer (abstract). The composition of JP comprises 0.1% to 50% by wt of organopolysiloxane spherical powder having 50-100 or 50-80 JIS hardness and a particle size of 0.1-200 microns. JP teaches preparing the cosmetic in the form of powdery foundation, or other kinds of foundations, rouges etc., and teaches preparing the spherical powder by dispersing organopolysiloxane in water. JP fails to teach the claimed particulate phase B in the composition and the additional components claimed in the instant application i.e., fillers, pearlescent materials, oils, wax, gelling agents etc. of the instant claims.

EP (US 345), discussed above, teaches all of the claimed oils, wax, gelling agents in col. 7-8, fillers, pigments and nacreous material in col. 10, all of which are also described in the instant application. Further, EP (US 345) also teaches the same

Art Unit: 1611

cosmetic formulations such as foundation powders, rouges and other forms taught by JP. Therefore, it would have been obvious for a skilled artisan at the time of the instant invention to include the cosmetic additives such as fillers, pearlescent materials, oils, wax, gelling agents etc. of EP (US 345) depending on the desired consistency and effect, in the composition of JP because both JP and EP are directed to preparing the same type of cosmetic compositions comprising the same type of organopolysiloxane materials (including hardness and particle sizes) and according to EP the instant claimed materials are conventionally used in preparing the described cosmetic make up compositions such as foundations, powders etc. With respect to the claimed ratios, as explained above, '345 teach the percentages of the organosiloxane polymer, pigments, fillers or nacles and further teach the composition for the same purpose i.e., cosmetic or make up products such as a foundation, eye shadows etc., in the form of paste or powders (see col. 1, lines 19-27 and col. 4, line 51) and JP also teaches percentages of organopolysiloxanes, both for preparing the same type of compositions i.e., powdery foundations etc. Therefore, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to optimize the amounts of the silicone polymer and other components such as particulate materials, fatty phase, gelling agents etc., with an expectation to achieve a stable cosmetic product that provides the desired finish and strength.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 9.00 AM -5.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lakshmi S Channavajjala/
Primary Examiner,
Art Unit 1611
June 4, 2008